

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA)	CASE NO. 1:14-CR-00353
)	
Plaintiff,)	
)	JUDGE: DONALD C. NUGENT
vs.)	
)	
ROBERT A. SHAW, SR.)	<u>SENTENCING MEMORANDUM</u>
)	
Defendant.)	

Now comes Defendant, Robert Shaw, by and through his undersigned counsel, Joseph C. Patituce, who hereby submits this Sentencing Memorandum setting forth factors for the Court's consideration in determining an appropriate sentence that is sufficient but not greater than necessary to comply with the statutory directives set forth in 18 U.S.C. 3553(a).

Defendant moves this Honorable Court to consider the following factors in determining an appropriate sentence that is sufficient but not greater than necessary to comply with the statutory directives set forth in 18 U.S.C. 3553(a). The overriding purposes of sentencing are "to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense," "to afford adequate deterrence to criminal conduct," "to protect the public from further crimes of the defendant," and "to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner." 18 U.S.C. 3552 (a)(2).

Defendant respectfully asks that this Honorable Court consider his minor participation in this case. Defendant was named in one count of a four count indictment alongside two co-defendants. The conduct involved a conspiracy to defraud AIM Business Capital. The total amount of loss was \$1,182,333. However, Defendant only received a benefit of approximately 10% or \$109,500 from his conduct.

Defendant's behavior in this case is most certainly a deviation from his otherwise law-abiding life – he only has one prior criminal conviction for Bank Fraud in 1997. Defendant had no other criminal history leading up to the current offense. Since the pendency of this matter Defendant has been cooperative with the government and has been out on bond without issue.

Defendant suffers from a wide variety of health issues. He has been diagnosed with Severe Heart Disease, Chronic Obstructive Pulmonary Disease, Benign Prostatic Hypertrophy, Renal Cell Cancer with Chronic Kidney Disease, Anemia, Polycythemia and Arthritis. Defendant also suffers from Depression and Anxiety and has Mild Cognitive Impairment. His health has recently began declining, and he is currently under the care of Dr. Edward Linkner. His conditions have become significant to the point where he is seeing specialists on a weekly basis. Due to the severity of his conditions he requires continuous monitoring and immediate access to high level medical attention. Defendant requests that this Honorable Court consider all of the forgoing factors, his poor health, and his current mental state prior to imposing a sentence in this case.

WHEREFORE, for the reasons set forth herein, and after hearing from the Defendant at the time of sentencing, Defendant prays this Honorable Court consider a just punishment that will not be greater than necessary in this case.

Respectfully submitted,

PATITUCE & ASSOCIATES, LLC

/s/ Joseph C. Patituce
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Sentencing Memorandum has been forwarded to all parties via the clerk's office electronic filing on the 16th day of June, 2017.

/s/ Joseph C. Patituce
JOSEPH PATITUCE (#0081384)